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09/770,295	01/29/2001	Jeffrey S. Myers	1968.P7	5843

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EXAMINER	
AGGARWAL, YOGESH K	

ART UNIT	PAPER NUMBER
2615	5

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/770,295	MYERS, JEFFREY S.	
	Examiner	Art Unit	
	Yogesh K Aggarwal	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-56 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-56 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 29 January 2001 is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 2.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Claim Objections

1. Claim 10 is objected to because of the following informalities:

"A method according to claim 10" should be: "A method according to claim 9".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 7-14, 16-20, 24-31, 33-36, 38-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Weston et al. (US Patent # 6,608,563).

[Claim 1]

Weston et al. teaches a method for electronically cataloging an object appearing in a photographic image (col. 3 lines 30-35), comprising receiving a unique identification code from a remote generator that generates the unique identification code, wherein the unique identification code is unique to the object in the image (col. 6 lines 18-32); storing image data for the image in association with the unique identification code (col. 6 lines 32-35); accessing the stored image data via the unique identification code (col. 6 lines 48-50); and outputting the image data (col. 6 lines 48-50).

[Claim 2]

Weston teaches that the generator is a transponder (col. 7 lines 26-31).

[Claim 3]

Weston teaches that the transponder is located on the object in the image (Col. 6 lines 30-35 teach that the UPIN and the corresponding images are stored so the transponder i.e. tag must be located on the object in the image for subsequent retrieving).

[Claim 7]

Weston teaches that the image data is stored in a database system on a computer-readable storage medium (col. 6 lines 50-54).

[Claim 8]

Weston teaches a step of verifying that the unique identification code corresponds to the possessor of the transponder (col. 7 lines 45-52).

[Claim 9]

Weston teaches accessing and outputting the image data is performed from a location remote from the computer-readable storage medium (col. 6 lines 61-67).

[Claim 10]

Weston teaches that said accessing is a selective authorized access, wherein the unique identification code associated with the image allows only authorized access to the image (Col. 6 lines 61-67 teach that the users can access their photos using their UPIN numbers).

[Claim 11]

Weston teaches that said outputting step comprises viewing desired images (col. 6 lines 50-67) inherently requiring a display device like a computer monitor.

[Claim 12]

Weston teaches that said outputting step comprises outputting by print (col. 6 lines 48-50).

[Claim 13]

Weston teaches that the image is printed at a remote location from the computer-readable storage medium (col. 6 lines 60-64).

[Claim 14]

Weston teaches that the image is printed in a variety of sizes and formats (col. 6 lines 50-59 teach cropping, enlargements etc. which can be printed in a variety of sizes and formats).

[Claim 16]

Weston teaches that the image contains multiple objects (col. 5 lines 29-35, figure 2)

[Claim 17]

Weston teaches that the each object has a unique identification code (col. 6 lines 18-23).

[Claims 18-20, 24-31, 33-34]

These are apparatus claims corresponding to method claims 1-3, 7-14, 16-17 respectively. Therefore they have been analyzed and rejected based upon the method claims 1-3, 7-14, 16-17.

[Claim 35]

Weston et al. teaches a method for electronically cataloging an object appearing in a photographic image (col. 3 lines 30-35), comprising a receiver (figure 2: 220) receiving a unique identification code from a remote generator that generates the unique identification code wherein the unique identification code is unique to the object in the image (col. 6 lines 18-32). Weston further teaches (a) capturing image data for the image associated with the unique identification code (col. 6 lines 18-23), (b) storing image data for the image in association with the unique identification code (col. 6 lines 32-35), and (c) transferring the stored recorded image data with the stored unique identification code to a computer-readable storage medium (col. 6 lines 61-67).

Weston et al. teaches an image processor 250, which contains a memory for storing process steps (a)-(c) and a processor to execute the said process steps (col. 6 lines 30-35).

[Claim 36]

Weston teaches the receiver (figure 2: 220) receives the unique identification code via a wireless interface [Col. 3 lines 30-33 teach that the tags are RFID (radio frequency identification) with an antenna 350 as shown in figure 3B so they can transmit or receive wirelessly or via wired lines].

[Claim 38]

Weston et al. teaches transfer of the images to a computer readable medium (col. 6 lines 61-67) which is done via telephone line or a wireless internet connection.

[Claim 39]

Weston teaches that the image contains multiple objects (col. 5 lines 29-35, figure 2)

[Claim 40]

Weston teaches that each object has a unique identification code (col. 1 lines 54-59).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 4, 5, 21, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weston et al. (US Patent # 6,608,563) in further view of Moghadam et al. (US Patent # 5,917,542).

[Claim 4]

Weston teaches that the reception of the transmitted unique identification code is via a receiver (col. 6 lines 18-20, figure 2: 220) but fails to explicitly teach wherein the receiver is a component of a camera that captures the image. However Moghadam et al. teaches a transceiver, wherein the receiver is a component of a camera that captures the images (col. 2 lines 65-67, col. 3 lines 1-3, figure 1: 38). Therefore taking the combined teachings of Weston and Moghadam, it would have been obvious to one skilled in the art at the time of the invention to have been motivated to incorporate the receiver as a component of the camera in Weston as taught in Moghadam. The benefit of doing so would be to miniaturize the whole system by having a receiver inside a camera.

[Claim 5]

Weston teaches that the receiver receives the unique identification code via a wireless interface [Col. 3 lines 30-33 teach that the tags are RFID (radio frequency identification) with an antenna 350 as shown in figure 3B so they can transmit or receive wirelessly or via wired lines].

[Claims 21, 22]

These are apparatus claims corresponding to method claims 4 and 5 respectively. Therefore they have been analyzed and rejected based upon the method claims 4 and 5.

6. Claims 15 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weston et al. (US Patent # 6,608,563).

[Claim 15]

Weston teaches that said outputting step comprises outputting by storage onto a computer medium (col. 6 lines 61-67) but does not explicitly teach that the output can be stored onto a removable computer readable storage medium. Official Notice is taken of the fact that it is

notoriously common that the photos can be stored on a CD or a floppy disk after they are downloaded on a computer in order to store them in any other image input device and also to make the storage medium portable.

[Claim 32]

This is an apparatus claim corresponding to method claim 15. Therefore it has been analyzed and rejected based upon the method claim 15.

7. Claims 6, 23, 37, 41-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weston et al. (US Patent # 6,608,563) in view of Morris (US PG-PUB # 2002/0088000).

[Claims 6 and 37]

Weston teaches storing image data in association with a unique identification code but fails to teach " wherein encoding of the unique identification code is accomplished using the DIG35 standard". However Morris teaches that it is well known and used in the art to have a unique identification code being encoded using the DIG35 standard (Paragraphs 3 and 4). Therefore taking the combined teachings of Weston and Morris it would have been obvious to one skilled in the art at the time of the invention to have been motivated to encode a unique identification code using the DIG35 standard within a digital image. The benefit of doing so would be that friends and family may access the photo website and not only see the pictures, but read and/or hear the story and history behind each image by accessing the metadata as taught in Morris (Paragraph 5, lines 12-16).

[Claim 23]

This is an apparatus claim corresponding to method claim 6. Therefore claim 23 is analyzed and rejected based upon the method claim 6.

[Claim 41]

Weston et al. teaches a method for automatically storing information identifying an object in an image (col. 3 lines 30-35), receiving a unique identification code from a remote generator that generates the unique identification code, the unique identification code being unique to the object in the image capturing image data for the image (col. 6 lines 18-32). Weston teaches storing image data in association with a unique identification code but fails to teach, "generating meta-data for the image data, the meta-data including the unique identification code and storing the meta-data together with the captured image data into a storage medium". However Morris teaches that it is well known and used in the art to generate meta-data for the image data, the meta-data including the unique identification code and storing the meta-data together with the captured image data into a storage medium (Paragraph 20). Therefore taking the combined teachings of Weston and Morris it would have been obvious to one skilled in the art at the time of the invention to have been motivated to generate meta-data for the image data, the meta-data including the unique identification code and storing the meta-data together with the captured image data into a storage medium. The benefit of using metadata with the digital images would be so that the users can access a wide variety of data regarding the image data as taught in Morris (Paragraph 6).

[Claims 42 and 43]

Morris teaches that the metadata can be stored in a standard format wherein the standard format is a DIG35 standard (Paragraphs 3 and 4).

[Claim 44]

Morris teaches that the metadata, which includes the unique ID for a user, can also be used to retrieve information corresponding to the unique identification code (Paragraph 23).

[Claim 45]

Morris teaches that the metadata, which includes the unique ID for a user, can also be verified by the user to retrieve information (Paragraph 31, figure 6).

[Claim 46]

Morris teaches that the metadata, which is included with the digital image, can be accessed and displayed corresponding to the image stored in the storage medium via a user interface (Paragraph 2)

[Claim 47]

Weston et al. teaches that the image contains multiple objects (col. 5 lines 29-35, figure 2).

[Claim 48]

Weston teaches that each object has a unique identification code (col. 1 lines 54-59).

[Claims 49-56]

These are method claims corresponding to apparatus claims 41-48 respectively. Therefore they have been analyzed and rejected based upon the apparatus claims 41-48.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

i. Davis et al. (US PG-PUB # 2002/0001395).

ii. Evans et al. (US Patent # 5,946,444).

iii. Miyake (US Patent # 6,222,985).

iv. Squilla et al. (US Patent # 6,623,528).

v. Ogasawara (US Patent # 6,513,015).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh K Aggarwal whose telephone number is (703) 305-0346. The examiner can normally be reached on M-F 9:00AM-5:30PM.

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ngoc Yen Vu can be reached on (703) 305-4946. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YKA
May 21, 2004

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